

Practitioner's Docket No. 1015531-8

*1/17*  
PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Andreas BRUNNER, et al.

Application No.: 10/517,756

Group No.: 1634

Filed: August 2, 2005

Examiner: F. Lu

For: IDENTIFICATION OF TISSUE/CELL SPECIFIC MARKER GENES AND USE THEREOF

**Commissioner for Patents**

P. O. Box 1450

Alexandria, VA 22313-1450

**ATTENTION: Director, Group 1634**

### REQUEST FOR WITHDRAWAL AS ATTORNEY (37 C.F.R. 10.40(c))

**NOTE:** *If a period has been set for response and the period may be extended without a showing of cause pursuant to 37 C.F.R. § 1.136(a) by filing a petition for extension of time and fee, the practitioner will not be required to seek such extension of time for withdrawal to be approved. In such a situation, however, withdrawal will not be approved unless at least 30 days would remain between the date of approval and the last date on which such a petition for extension of time and fee could properly be filed. M.P.E.P. § 402.06, 8<sup>th</sup> ed.*

**WARNING:** *If the Request for Withdrawal is filed after mailing of the Notice of Allowance it can result in a reduction in patent term under 37 C.F.R. § 1.704(c)(10). Therefore, care should be taken to resolve the question of withdrawal before this possibility.*

---

#### CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\*

*(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

#### MAILING

deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. 1.8(a)

37 C.F.R. 1.10\*

with sufficient postage as first class mail.

as "Express Mail Post Office to Address"  
Mailing Label No. \_\_\_\_\_ (mandatory)

#### TRANSMISSION

transmitted by facsimile to the Patent and Trademark Office. to (571)-273-8300

Date: October 15, 2007

Signature

William R. Evans

*(type or print name of person certifying)*

*\*Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(j). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.*

## REQUEST FOR PERMISSION TO WITHDRAW

1. I, an attorney signing below, respectfully request permission to withdraw from all further responsibility in this case, in accordance with 37 C.F.R. 1.36.

*(complete the following item, if appropriate)*

Because the amendment referred to in item 4A(iii) below is a continuing application signed only by an attorney named below this withdrawal request is also for such continuing application.

### LAST KNOWN ADDRESS OF CLIENT

2. The last known mailing address of the:

inventor(s)  
 assignee of the entire interest

is Millenium Biologix AG  
Wagistrasse 23, CH-8952 Schileren, Switzerland.

### BASIS FOR WITHDRAWAL REQUEST

3. The basis for the request for withdrawal is 37 C.F.R. 10.40(c) §(§) \_\_\_\_\_(iv)\_\_\_\_\_.

Explanation (including brief description of exhibits, if any):

Copy of e-mail of September 27, 2007 informing of assignee's bankruptcy.

Copy of letter of September 28, 2007 to assignee.

Copy of envelope returning letter of September 28, 2007, with PostMail sticker marked, in English translation of the Swiss (German) "Return  Addressee cannot be found at given address."

*(add additional page(s), as required for explanation)*

## ALLOWANCE OF TIME FOR CLIENT TO ACT

### 4. Status of this Application

#### A. Response due (*if any*)

(i)  There is no outstanding term for response.

(ii)  There is an outstanding term for response that is set to expire on October 20, 2007. The above term is extendible under 37 C.F.R. 1.136(a), until March 20, 2007 and the fees for such extension  
 are  
 are not  
being submitted herewith.

*(complete the following, if applicable)*

(iii)  Also submitted herewith, is a response to the outstanding Official Action.

#### B. Time Left for Response

Therefore, the amount of time for response, including extension under 37 C.F.R. 1.136(a), is:

at least 5 months.  
 cannot be calculated because this case is/will now be awaiting action by the PTO.

## NOTIFICATION OF CLIENT

### 5. In accordance with 37 C.F.R. 10.40(a), a copy of this request, including attachments, is being sent to the assignee.

A copy of the letter to the assignee is attached.

*NOTE: A practitioner shall not withdraw from employment without giving due notice to his or her client. 37 C.F.R. 10.40(a).*

## NUMBER OF COPIES OF REQUEST

### 6. This request is enclosed in triplicate.

*NOTE: "To expedite the handling of request for permission to withdraw as attorney under 37 C.F.R. § 1.36 submit the request in triplicate (original and two copies). . ." Notice of September 3, 1985 (1058 O.G. 32).*

7. Related Applications for Which Withdrawal is Requested

Withdrawal also is (has been) requested in the following related applications of the:

(check all applicable items)

- inventor:
- assignee:
- common representative:

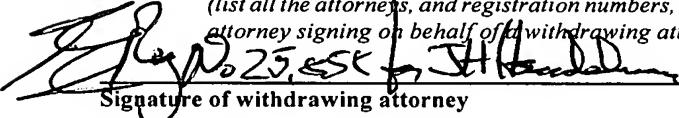
<u>Application Number</u>	<u>Group</u>	<u>Status of Withdrawal request</u>

**SIGNATURE(S) OF WITHDRAWING ATTORNEY(S) (PRACTITIONER(S))**

*NOTE: Each attorney of record must sign the notice of withdrawal or the notice of withdrawal must contain a clear indication of one attorney signing on behalf of another. M.P.E.P. § 402.06, 6<sup>th</sup> ed. rev. 3.*

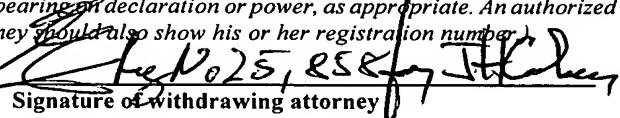
8. Signature(s) of the attorney(s) withdrawing (or signature of an authorized attorney on behalf of an attorney withdrawing)

*(list all the attorneys, and registration numbers, appearing on declaration or power, as appropriate. An authorized attorney signing on behalf of a withdrawing attorney should also show his or her registration number.)*

  
Signature of withdrawing attorney

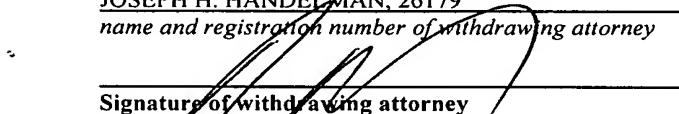
JOSEPH H. HANDELMAN, 26179

*name and registration number of withdrawing attorney*

  
Signature of withdrawing attorney

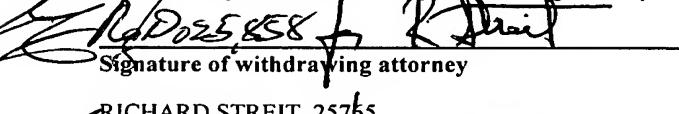
JULIAN H. COHEN, 20302

*name and registration number of withdrawing attorney*

  
Signature of withdrawing attorney

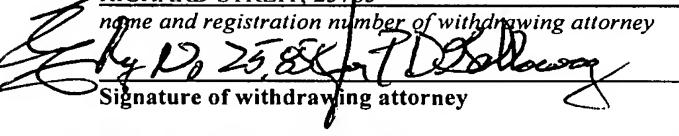
JOHN RICHARDS, 31053

*name and registration number of withdrawing attorney*

  
Signature of withdrawing attorney

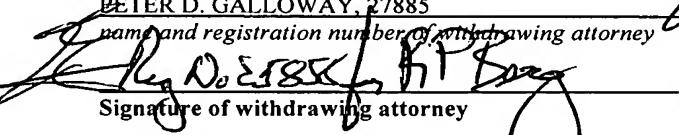
RICHARD STREIT, 25755

*name and registration number of withdrawing attorney*

  
Signature of withdrawing attorney

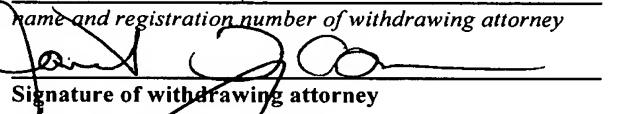
PETER D. GALLOWAY, 27885

*name and registration number of withdrawing attorney*

  
Signature of withdrawing attorney

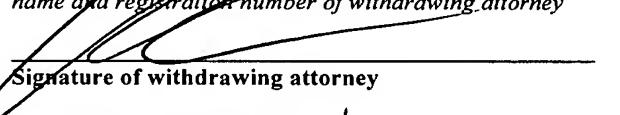
RICHARD P. BERG, 28145

*name and registration number of withdrawing attorney*

  
Signature of withdrawing attorney

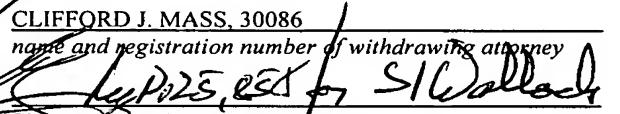
JANET I. CORD, 33178

*name and registration number of withdrawing attorney*

  
Signature of withdrawing attorney

CLIFFORD J. MASS, 30086

*name and registration number of withdrawing attorney*

  
Signature of withdrawing attorney

STEVEN I. WALLACH, 35402

*name and registration number of withdrawing attorney*

Reg. No.:

Tel. No.: ( )

Customer No.:

~~SIGNATURE OF PRACTITIONER~~

~~William R. Evans, 25858, (212) 708-1930~~

*(type or print name of practitioner)*

P.O. Address

c/o Ladas & Parry LLP  
26 West 61<sup>st</sup> Street  
New York, N.Y. 10023



Evans, William

**From:** Evans, William  
**Sent:** Thursday, September 27, 2007 10:17 AM  
**To:** Villapol, Joseph  
**Cc:** Pardo, Pat  
**Subject:** FW: patent applications of Millenium Biologix AG

---

**From:** Siegfried Grimm[SMTP:sgrimm@eblum.ch]  
**Sent:** Thursday, September 27, 2007 10:08 AM  
**To:** WEvans@ladas.com; nymail@ladas.com  
**Subject:** patent applications of Millenium Biologix AG

Dear Colleagues:

We have been notified that our Client, Millenium Biologix AG, Schlieren, Switzerland has become a bankrupt. Thus, we will not attend to any further steps in relation to the patent applications  
our ref. 06854US01; SN10/517496; your ref. U015530-0  
our ref. 06855US01; SN10/517756; your ref. U015531-8  
our ref. 06856US01; SN10/517497; your ref. U015529-5

You may wish sending further correspondance to  
Millenium Biologix Corp. Canada  
Branch office Zurich,  
Wagistrasse 23  
8952 Zürich  
Switzerland

Best regards

Siegfried Grimm

--  
E.Blum & Co. AG  
Patent- & Markenanwälte  
Dr. Siegfried Grimm

Vorderberg 11, CH 8044 Zurich  
Tel.: ++ 41 43 2225600  
Fax.: ++ 41 43 2225601  
mail: Sgrimm@EBlum.ch

Die Information in dieser e-mail Nachricht und in deren Anhängen ist vertraulich und nur für den Adressaten bestimmt. Haben Sie diese Nachricht irrtümlich erhalten, so löschen Sie diese bitte samt Anhängen und informieren Sie den Absender per e-mail. Besten Dank !

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**LADAS & PARRY LLP**  
INTELLECTUAL PROPERTY LAW



26 West 61st Street • New York, New York 10023-7604  
P 212.708.1800 • F 212.246.8959 • F 212.246.8925 • nymail@ladas.com • www.ladas.com

September 28, 2007

**REGISTERED MAIL**

Millenium Biologix AG  
Wagistrasse 23  
CH-8952 Schlieren  
Switzerland

Dear Sirs:

Re: FULDE - U.S.S.N. 10/517,497 - OUREF: U 015529-5 - BLUM'S REF: 06856US1  
ORAM - U.S.S.N. 10/517,496 - OUREF: U 015530-0 - BLUM'S REF: 06854US1  
BRUNNER - U.S.S.N. 10/517,756 - OUREF: U 015531-8 - BLUM'S REF: 06855US1

As US attorneys for the above applications, we have an obligation to protect your rights in the application.

However, we have been advised that financial considerations make it likely that these applications will be abandoned.

In order to relieve us of our obligation, please confirm that the applications are to be abandoned or send us instructions of the way you intend to continue them.

As application 10/517,497 (our ref: U 015529-5) has a pending Action on which monthly graduated extension fees are due for a Response by December (25) 26, 2007, and we must obtain approval of the Patent Office of withdrawal from our obligation to you thirty days in advance thereof, we must apply for such withdrawal, if necessary, as soon as possible, because the Patent Office is slow to act on such requests. Therefore, if we do not have your confirmation or instructions by October 25, 2007, we will be forced to request our withdrawal from the applications.

Very truly yours,

Clifford J. Mass

CJM/cy

cc: E. Blum & Co. (By fax + 41 43 2225601)

**LADAS & PARRY LLP**

INTELLECTUAL PROPERTY LAW

AT LINCOLN CENTER  
26 WEST 61st STREET  
NEW YORK, N.Y. 10023



Zurück / Retour / Ritorno

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Le destinataire est introuvable à l'adresse indiquée.

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Traslocato, Termine di ispezione scaduto.

Gestorben/Deceduto



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**VIA AIR MAIL**

*Millennium Biology AG.  
Wegzasse 23  
CH-88952 Schlieren*

**R**

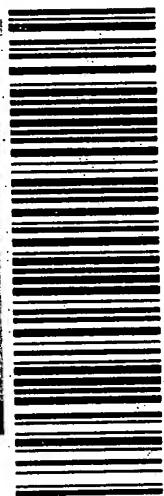
8010 Zürich-Mülligen BZ



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(102695) 99-M-1904

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**LADAS & PARRY LLP**  
INTELLECTUAL PROPERTY LAW

William R. Evans



wevans@adas.com

212.708.1930

26 West 61st Street • New York, New York 10023-7604  
P 212.708.1800 • F 212.246.8959 • F 212.246.8925 • nymail@adas.com • www.ladas.com

October 15, 2007

**AIR MAIL**

Millenium Biologix AG  
Wagistrasse 23  
CH-8952 Schlieren, Switzerland

Dear Sirs:

RE: Andreas BRUNNER, et al.  
MILLENIUM BIOLOGIX AG)  
U. S. Patent Appl. 10/517,756  
E. Blum Ref.: 06855US1  
Our Ref.: U 015531-8

Our letter requesting instructions for responding to the Action on the above application has been returned to us as indicated in the attached copy of the Request for Withdrawal as Attorney that such return has forced us to file.

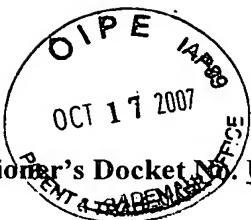
If this letter reaches you and you wish to make response, please do so at once.

Very truly yours,

A handwritten signature in black ink.

William R. Evans

WRE:os



Practitioner's Docket No. U 015531-8

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: **Andreas BRUNNER, et al.**

Application No.: **10/517,756**

Group No.: **1634**

Filed: **August 2, 2005**

Examiner: **F. Lu**

For: **IDENTIFICATION OF TISSUE/CELL SPECIFIC MARKER GENES AND USE THEREOF**

**Commissioner for Patents**

**P. O. Box 1450**

**Alexandria, VA 22313-1450**

**ATTENTION: Director, Group 1634**

**REQUEST FOR WITHDRAWAL AS ATTORNEY (37 C.F.R. 10.40(c))**

**NOTE:** *If a period has been set for response and the period may be extended without a showing of cause pursuant to 37 C.F.R. § 1.136(a) by filing a petition for extension of time and fee, the practitioner will not be required to seek such extension of time for withdrawal to be approved. In such a situation, however, withdrawal will not be approved unless at least 30 days would remain between the date of approval and the last date on which such a petition for extension of time and fee could properly be filed. M.P.E.P. § 402.06, 8<sup>th</sup> ed.*

**WARNING:** *If the Request for Withdrawal is filed after mailing of the Notice of Allowance it can result in a reduction in patent term under 37 C.F.R. § 1.704(c)(10). Therefore, care should be taken to resolve the question of withdrawal before this possibility.*

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**CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\***

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Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

**37 C.F.R. 1.8(a)**

**37 C.F.R. 1.10\***

with sufficient postage as first class mail.

as "Express Mail Post Office to Address"  
Mailing Label No. \_\_\_\_\_ (mandatory)

**TRANSMISSION**

transmitted by facsimile to the Patent and Trademark Office. to **(571)-273-8300**

Date: October 15, 2007

Signature

William R. Evans

*(type or print name of person certifying)*

*• Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(j). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.*

## REQUEST FOR PERMISSION TO WITHDRAW

1. I, an attorney signing below, respectfully request permission to withdraw from all further responsibility in this case, in accordance with 37 C.F.R. 1.36.

*(complete the following item, if appropriate)*

Because the amendment referred to in item 4A(iii) below is a continuing application signed only by an attorney named below this withdrawal request is also for such continuing application.

### LAST KNOWN ADDRESS OF CLIENT

2. The last known mailing address of the:

inventor(s)  
 assignee of the entire interest

is Millenium Biologix AG  
Wagistrasse 23, CH-8952 Schileren, Switzerland.

### BASIS FOR WITHDRAWAL REQUEST

3. The basis for the request for withdrawal is 37 C.F.R. 10.40(c) §§ (iv) \_\_\_\_\_.

Explanation (including brief description of exhibits, if any):

Copy of e-mail of September 27, 2007 informing of assignee's bankruptcy.

Copy of letter of September 28, 2007 to assignee.

Copy of envelope returning letter of September 28, 2007, with PostMail sticker marked, in English translation of the Swiss (German) "Return  Addressee cannot be found at given address."

*(add additional page(s), as required for explanation)*

## ALLOWANCE OF TIME FOR CLIENT TO ACT

### 4. Status of this Application

#### A. Response due (*if any*)

(i)  There is no outstanding term for response.

(ii)  There is an outstanding term for response that is set to expire on October 20, 2007. The above term is extendible under 37 C.F.R. 1.136(a), until March 20, 2007 and the fees for such extension  
 are  
 are not  
being submitted herewith.

*(complete the following, if applicable)*

(iii)  Also submitted herewith, is a response to the outstanding Official Action.

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 cannot be calculated because this case is/will now be awaiting action by the PTO.

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## NUMBER OF COPIES OF REQUEST

### 6. This request is enclosed in triplicate.

*NOTE: "To expedite the handling of request for permission to withdraw as attorney under 37 C.F.R. § 1.36 submit the request in triplicate (original and two copies). . ." Notice of September 3, 1985 (1058 O.G. 32).*

7. Related Applications for Which Withdrawal is Requested

Withdrawal also is (has been) requested in the following related applications of the:

*(check all applicable items)*

- inventor:
- assignee:
- common representative:

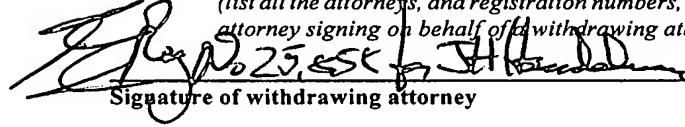
<u>Application Number</u>	<u>Group</u>	<u>Status of Withdrawal request</u>

**SIGNATURE(S) OF WITHDRAWING ATTORNEY(S) (PRACTITIONER(S))**

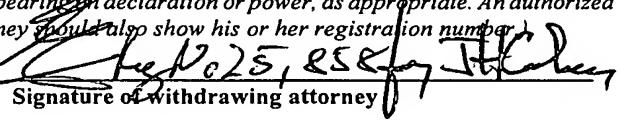
**NOTE:** Each attorney of record must sign the notice of withdrawal or the notice of withdrawal must contain a clear indication of one attorney signing on behalf of another. M.P.E.P. § 402.06, 6<sup>th</sup> ed. rev. 3.

8. Signature(s) of the attorney(s) withdrawing (or signature of an authorized attorney on behalf of an attorney withdrawing)

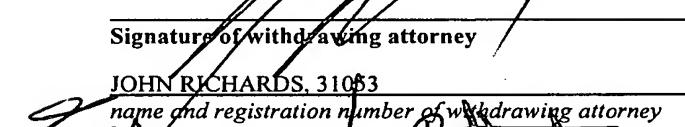
*(list all the attorneys, and registration numbers, appearing on declaration or power, as appropriate. An authorized attorney signing on behalf of a withdrawing attorney should also show his or her registration number.)*

  
Signature of withdrawing attorney

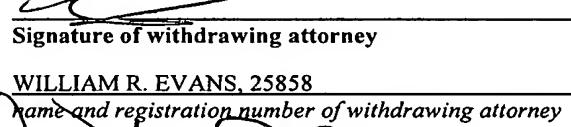
JOSEPH H. HANDELMAN, 26179  
name and registration number of withdrawing attorney

  
Signature of withdrawing attorney

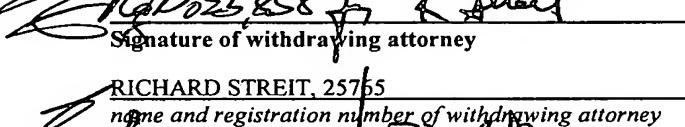
JULIAN H. COHEN, 20302  
name and registration number of withdrawing attorney

  
Signature of withdrawing attorney

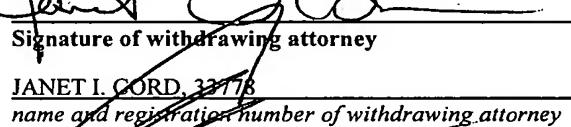
JOHN RICHARDS, 31053  
name and registration number of withdrawing attorney

  
Signature of withdrawing attorney

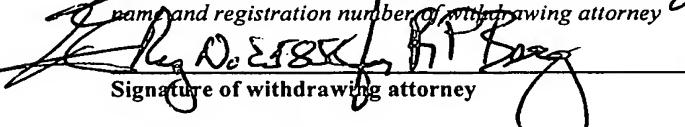
WILLIAM R. EVANS, 25858  
name and registration number of withdrawing attorney

  
Signature of withdrawing attorney

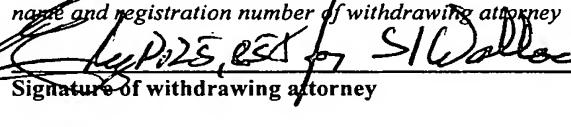
RICHARD STREIT, 25755  
name and registration number of withdrawing attorney

  
Signature of withdrawing attorney

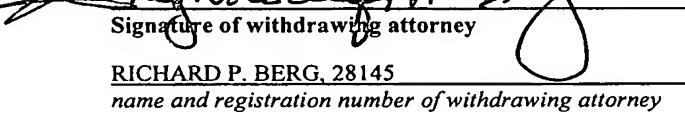
JANET I. CORD, 32778  
name and registration number of withdrawing attorney

  
Signature of withdrawing attorney

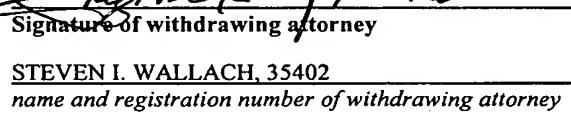
PETER D. GALLOWAY, 27885  
name and registration number of withdrawing attorney

  
Signature of withdrawing attorney

CLIFFORD J. MASS, 30086  
name and registration number of withdrawing attorney

  
Signature of withdrawing attorney

RICHARD P. BERG, 28145  
name and registration number of withdrawing attorney

  
Signature of withdrawing attorney

STEVEN I. WALLACH, 35402  
name and registration number of withdrawing attorney

Reg. No.:

Tel. No.: ( )

Customer No.:

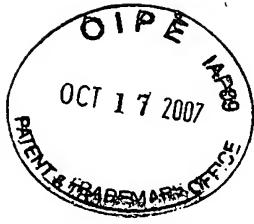
**SIGNATURE OF PRACTITIONER**

William R. Evans, 25858, (212) 708-1930

*(type or print name of practitioner)*

P.O. Address

c/o Ladas & Parry LLP  
26 West 61<sup>st</sup> Street  
New York, N.Y. 10023



Evans, William

From: Evans, William  
Sent: Thursday, September 27, 2007 10:17 AM  
To: Villapol, Joseph  
Cc: Pardo, Pat  
Subject: FW: patent applications of Millenium Biologix AG

---

From: Siegfried Grimm[SMTP:sgrimm@eblum.ch]  
Sent: Thursday, September 27, 2007 10:08 AM  
To: WEvans@ladas.com; nymail@ladas.com  
Subject: patent applications of Millenium Biologix AG

Dear Colleagues:

We have been notified that our Client, Millenium Biologix AG, Schlieren, Switzerland has become a bankrupt. Thus, we will not attend to any further steps in relation to the patent applications  
our ref. 06854US01; SN10/517496; your ref. U015530-0  
our ref. 06855US01; SN10/517756; your ref. U015531-8  
our ref. 06856US01; SN10/517497; your ref. U015529-5

You may wish sending further correspondance to  
Millenium Biologix Corp. Canada  
Branch office Zurich,  
Wagistrasse 23  
8952 Zürich  
Switzerland

Best regards

Siegfried Grimm

---

E.Blum & Co. AG  
Patent- & Markenanwälte  
Dr. Siegfried Grimm

Vorderberg 11, CH 8044 Zurich  
Tel.: ++ 41 43 2225600  
Fax.: ++ 41 43 2225601  
mail: Sgrimm@EBlum.ch

Die Information in dieser e-mail Nachricht und in deren Anhängen ist vertraulich und nur für den Adressaten bestimmt. Haben Sie diese Nachricht irrtümlich erhalten, so löschen Sie diese bitte samt Anhängen und informieren Sie den Absender per e-mail. Besten Dank !

The information in this e-mail and any attachments is confidential and is intended for the addressee only. It may be attorney-client privileged. Copying, disclosure or use by anybody else is not authorized. If you are not the intended recipient, please delete this message and any attachments and alert the sender by return e-mail. Thank you !



**LADAS & PARRY LLP**  
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16 West 61st Street • New York, New York 10023-7604  
P 212.708.1800 • F 212.246.8959 • F 212.246.8925 • nymail@ladas.com • www.ladas.com

September 28, 2007

**REGISTERED MAIL**

Millenium Biologix AG  
Wagistrasse 23  
CH-8952 Schlieren  
Switzerland

Dear Sirs:

Re: FULDE - U.S.S.N. 10/517,497 - OUREF: U 015529-5 - BLUM'S REF: 06856US1  
ORAM - U.S.S.N. 10/517,496 - OUREF: U 015530-0 - BLUM'S REF: 06854US1  
BRUNNER - U.S.S.N. 10/517,756 - OUREF: U 015531-8 - BLUM'S REF: 06855US1

As US attorneys for the above applications, we have an obligation to protect your rights in the application.

However, we have been advised that financial considerations make it likely that these applications will be abandoned.

In order to relieve us of our obligation, please confirm that the applications are to be abandoned or send us instructions of the way you intend to continue them.

As application 10/517,497 (our ref: U 015529-5) has a pending Action on which monthly graduated extension fees are due for a Response by December (25) 26, 2007, and we must obtain approval of the Patent Office of withdrawal from our obligation to you thirty days in advance thereof, we must apply for such withdrawal, if necessary, as soon as possible, because the Patent Office is slow to act on such requests. Therefore, if we do not have your confirmation or instructions by October 25, 2007, we will be forced to request our withdrawal from the applications.

Very truly yours,

Clifford J. Mass

CJM/cy  
cc: E. Blum & Co. (By fax + 41 43 2225601)

**LADAS & PARRY LLP**

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AT LINCOLN CENTER  
26 WEST 61<sup>ST</sup> STREET  
NEW YORK, N.Y. 10023



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A/Rentenage, Data di recapito espiet.

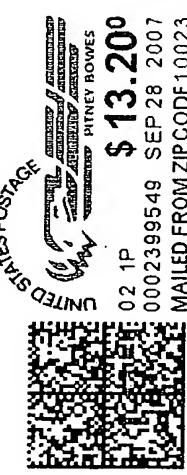
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**VIA AIR MAIL**

*Millennium Biologix AG  
Wagistrasse 23  
CH-8462 Schlieren*



8010 Zürich-Maiengasse B21  
98.00 - 801083 - 28080861

Recommandé Suisse

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(102595) 99-M-1904

Label 200, July 1999

23.6.76 (220080)



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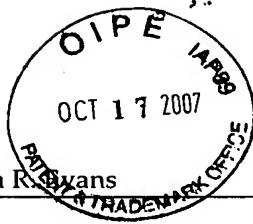
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William R. Evans

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26 West 61st Street • New York, New York 10023-7604  
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October 15, 2007

**AIR MAIL**

Millenium Biologix AG  
Wagistrasse 23  
CH-8952 Schlieren, Switzerland

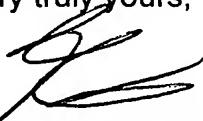
Dear Sirs:

RE: Andreas BRUNNER, et al.  
MILLENIUM BIOLOGIX AG  
U. S. Patent Appln. 10/517,756  
E. Blum Ref.: 06855US1  
Our Ref.: U 015531-8

Our letter requesting instructions for responding to the Action on the above application has been returned to us as indicated in the attached copy of the Request for Withdrawal as Attorney that such return has forced us to file.

If this letter reaches you and you wish to make response, please do so at once.

Very truly yours,

  
William R. Evans

WRE:os

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Andreas BRUNNER, et al.

Application No.: 10/517,756

Group No.: 1634

Filed: August 2, 2005

Examiner: F. Lu

For: IDENTIFICATION OF TISSUE/CELL SPECIFIC MARKER GENES AND USE THEREOF

## Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

ATTENTION: Director, Group 1634

## REQUEST FOR WITHDRAWAL AS ATTORNEY (37 C.F.R. 10.40(c))

**NOTE:** *If a period has been set for response and the period may be extended without a showing of cause pursuant to 37 C.F.R. § 1.136(a) by filing a petition for extension of time and fee, the practitioner will not be required to seek such extension of time for withdrawal to be approved. In such a situation, however, withdrawal will not be approved unless at least 30 days would remain between the date of approval and the last date on which such a petition for extension of time and fee could properly be filed. M.P.E.P. § 402.06, 8<sup>th</sup> ed.*

**WARNING:** *If the Request for Withdrawal is filed after mailing of the Notice of Allowance it can result in a reduction in patent term under 37 C.F.R. § 1.704(c)(10). Therefore, care should be taken to resolve the question of withdrawal before this possibility.*

## CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\*

*(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. 1.8(a)

37 C.F.R. 1.10\*

with sufficient postage as first class mail.

as "Express Mail Post Office to Address"  
Mailing Label No. \_\_\_\_\_ (mandatory)

## TRANSMISSION

transmitted by facsimile to the Patent and Trademark Office. to (571)-273-8300

Date: October 15, 2007

Signature

William R. Evans*(type or print name of person certifying)*

*\*Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(j). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.*

## REQUEST FOR PERMISSION TO WITHDRAW

1. I, an attorney signing below, respectfully request permission to withdraw from all further responsibility in this case, in accordance with 37 C.F.R. 1.36.

*(complete the following item, if appropriate)*

Because the amendment referred to in item 4A(iii) below is a continuing application signed only by an attorney named below this withdrawal request is also for such continuing application.

### LAST KNOWN ADDRESS OF CLIENT

2. The last known mailing address of the:

inventor(s)  
 assignee of the entire interest

is Millenium Biologix AG  
Wagistrasse 23, CH-8952 Schileren, Switzerland.

### BASIS FOR WITHDRAWAL REQUEST

3. The basis for the request for withdrawal is 37 C.F.R. 10.40(c) §§(iv).

Explanation (including brief description of exhibits, if any):

Copy of e-mail of September 27, 2007 informing of assignee's bankruptcy.

Copy of letter of September 28, 2007 to assignee.

Copy of envelope returning letter of September 28, 2007, with PostMail sticker marked, in English translation of the Swiss (German) "Return  Addressee cannot be found at given address."

*(add additional page(s), as required for explanation)*

## ALLOWANCE OF TIME FOR CLIENT TO ACT

### 4. Status of this Application

#### A. Response due (*if any*)

(i)  There is no outstanding term for response.

(ii)  There is an outstanding term for response that is set to expire on October 20, 2007. The above term is extendible under 37 C.F.R. 1.136(a), until March 20, 2007 and the fees for such extension  
 are  
 are not  
being submitted herewith.

*(complete the following, if applicable)*

(iii)  Also submitted herewith, is a response to the outstanding Official Action.

#### B. Time Left for Response

Therefore, the amount of time for response, including extension under 37 C.F.R. 1.136(a), is:

at least 5 months.  
 cannot be calculated because this case is/will now be awaiting action by the PTO.

## NOTIFICATION OF CLIENT

### 5. In accordance with 37 C.F.R. 10.40(a), a copy of this request, including attachments, is being sent to the assignee.

A copy of the letter to the assignee is attached.

*NOTE: A practitioner shall not withdraw from employment without giving due notice to his or her client. 37 C.F.R. 10.40(a).*

## NUMBER OF COPIES OF REQUEST

### 6. This request is enclosed in triplicate.

*NOTE: "To expedite the handling of request for permission to withdraw as attorney under 37 C.F.R. § 1.36 submit the request in triplicate (original and two copies). . ." Notice of September 3, 1985 (1058 O.G. 32).*

7. Related Applications for Which Withdrawal is Requested

Withdrawal also is (has been) requested in the following related applications of the:

*(check all applicable items)*

- inventor:
- assignee:
- common representative:

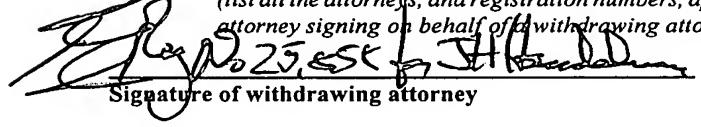
<u>Application Number</u>	<u>Group</u>	<u>Status of Withdrawal request</u>

**SIGNATURE(S) OF WITHDRAWING ATTORNEY(S) (PRACTITIONER(S))**

**NOTE:** *Each attorney of record must sign the notice of withdrawal or the notice of withdrawal must contain a clear indication of one attorney signing on behalf of another. M.P.E.P. § 402.06, 6<sup>th</sup> ed. rev. 3.*

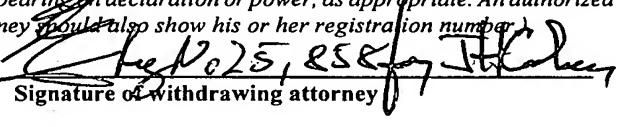
8. Signature(s) of the attorney(s) withdrawing (or signature of an authorized attorney on behalf of an attorney withdrawing)

*(list all the attorneys, and registration numbers, appearing in declaration or power, as appropriate. An authorized attorney signing on behalf of a withdrawing attorney should also show his or her registration number)*

  
Signature of withdrawing attorney

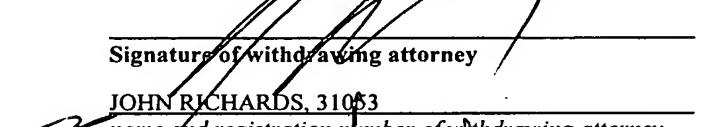
JOSEPH H. HANDELMAN, 26179

*name and registration number of withdrawing attorney*

  
Signature of withdrawing attorney

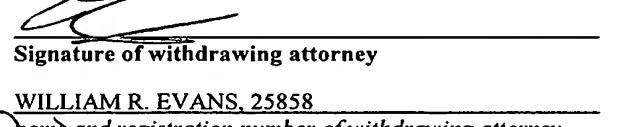
JULIAN H. COHEN, 20302

*name and registration number of withdrawing attorney*

  
Signature of withdrawing attorney

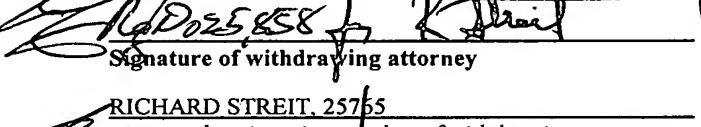
JOHN RICHARDS, 31053

*name and registration number of withdrawing attorney*

  
Signature of withdrawing attorney

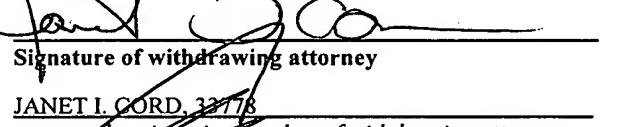
WILLIAM R. EVANS, 25858

*name and registration number of withdrawing attorney*

  
Signature of withdrawing attorney

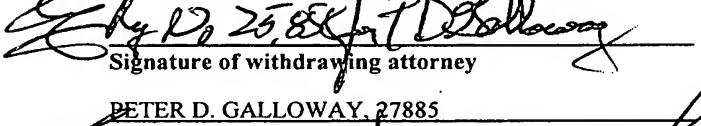
RICHARD STREIT, 25765

*name and registration number of withdrawing attorney*

  
Signature of withdrawing attorney

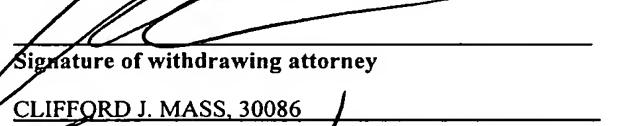
JANET I. CORD, 32178

*name and registration number of withdrawing attorney*

  
Signature of withdrawing attorney

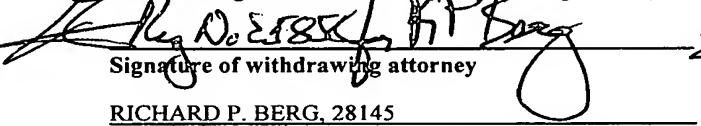
PETER D. GALLOWAY, 27885

*name and registration number of withdrawing attorney*

  
Signature of withdrawing attorney

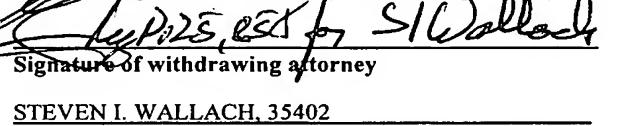
CLIFFORD J. MASS, 30086

*name and registration number of withdrawing attorney*

  
Signature of withdrawing attorney

RICHARD P. BERG, 28145

*name and registration number of withdrawing attorney*

  
Signature of withdrawing attorney

STEVEN I. WALLACH, 35402

*name and registration number of withdrawing attorney*

Reg. No.:

Tel. No.: ( )

Customer No.:

~~SIGNATURE OF PRACTITIONER~~

~~William R. Evans, 25858, (212) 708-1930~~

*(type or print name of practitioner)*

P.O. Address

c/o Ladas & Parry LLP  
26 West 61<sup>st</sup> Street  
New York, N.Y. 10023



Evans, William

From: Evans, William  
Sent: Thursday, September 27, 2007 10:17 AM  
To: Villapol, Joseph  
Cc: Pardo, Pat  
Subject: FW: patent applications of Millenium Biologix AG

---

From: Siegfried Grimm[SMTP:sgrimm@eblum.ch]  
Sent: Thursday, September 27, 2007 10:08 AM  
To: WEvans@ladas.com; nymail@ladas.com  
Subject: patent applications of Millenium Biologix AG

Dear Colleagues:

We have been notified that our Client, Millenium Biologix AG, Schlieren, Switzerland has become a bankrupt. Thus, we will not attend to any further steps in relation to the patent applications  
our ref. 06854US01; SN10/517496; your ref. U015530-0  
our ref. 06855US01; SN10/517756; your ref. U015531-8  
our ref. 06856US01; SN10/517497; your ref. U015529-5

You may wish sending further correspondance to  
Millenium Biologix Corp. Canada  
Branch office Zurich,  
Wagistrasse 23  
8952 Zürich  
Switzerland

Best regards

Siegfried Grimm

---

E. Blum & Co. AG  
Patent- & Markenanwälte  
Dr. Siegfried Grimm

Vorderberg 11, CH 8044 Zurich  
Tel.: ++ 41 43 2225600  
Fax.: ++ 41 43 2225601  
mail: Sgrimm@EBlum.ch

Die Information in dieser e-mail Nachricht und in deren Anhängen ist vertraulich und nur für den Adressaten bestimmt. Haben Sie diese Nachricht irrtümlich erhalten, so löschen Sie diese bitte samt Anhängen und informieren Sie den Absender per e-mail. Besten Dank !

The information in this e-mail and any attachments is confidential and is intended for the addressee only. It may be attorney-client privileged. Copying, disclosure or use by anybody else is not authorized. If you are not the intended recipient, please delete this message and any attachments and alert the sender by return e-mail. Thank you !

**LADAS & PARRY LLP**  
INTELLECTUAL PROPERTY LAW



26 West 61st Street • New York, New York 10023-7604  
P 212.708.1800 • F 212.246.8959 • F 212.246.8925 • nymail@adas.com • www.ladas.com

September 28, 2007

**REGISTERED MAIL**

Millenium Biologix AG  
Wagistrasse 23  
CH-8952 Schlieren  
Switzerland

Dear Sirs:

Re: FULDE - U.S.S.N. 10/517,497 - OUREF: U 015529-5 - BLUM'S REF: 06856US1  
ORAM - U.S.S.N. 10/517,496 - OUREF: U 015530-0 - BLUM'S REF: 06854US1  
BRUNNER - U.S.S.N. 10/517,756 - OUREF: U 015531-8 - BLUM'S REF: 06855US1

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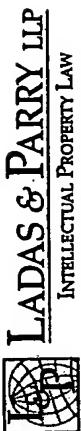
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Clifford J. Mass

CJM/cy

cc: E. Blum & Co. (By fax + 41 43 2225601)



**DAS & PARRY LLP**  
INTELLECTUAL PROPERTY LAW  
AT LINCOLN CENTER  
226 WEST 61st STREET  
NEW YORK, N.Y. 10023

VIA AIR MAIL

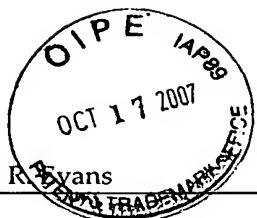
Millenium Biologix AG  
Wagistrasse 23  
CH-8962 Schlieren

A standard linear barcode is positioned vertically on the left side of the page. To its right, the text '8010 Zürich-Mülligen BZ' is printed vertically, and a large, bold letter 'R' is at the bottom.

Recommandé Suisse 236.76 (220 080)

Laskol 300 11/11/1999





William R. Evans

**LADAS & PARRY LLP**  
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212.708.1930

26 West 61st Street • New York, New York 10023-7604  
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October 15, 2007

**AIR MAIL**

Millenium Biologix AG  
Wagistrasse 23  
CH-8952 Schlieren, Switzerland

Dear Sirs:

RE: Andreas BRUNNER, et al.  
MILLENIUM BIOLOGIX AG)  
U. S. Patent Appln. 10/517,756  
E. Blum Ref.: 06855US1  
Our Ref.: U 015531-8

Our letter requesting instructions for responding to the Action on the above application has been returned to us as indicated in the attached copy of the Request for Withdrawal as Attorney that such return has forced us to file.

If this letter reaches you and you wish to make response, please do so at once.

Very truly yours,

William R. Evans

WRE:os